

**TILLAMOOK CITY COUNCIL MEETING
MONDAY, JUNE 21, 2010
CITY HALL, 210 LAUREL AVENUE**

WORKSHOP: City Council Workshop was held beginning at 6 P.M. Discussion items were Oregon Solution Project No. 4 – Economic Opportunity Analysis and Flood Hazard Area with Bill Reid of Johnson Reid.

CALL TO ORDER/FLAG SALUTE:

Mayor McPheeters called the regular City Council meeting to order at 7:15 P.M. and led the Pledge of Allegiance.

ROLL CALL:

Those present for roll call:

Mayor Bob McPheeters
Councilor Joe Martin
Councilor Matt Harris
Councilor Suzanne Weber
Councilor John Sandusky
Councilor Willard Berry

Absent:

Councilor Steven Forster (Excused)

Staff Present:

Mark Gervasi, City Manager
John Putman, City Attorney
Arley Sullivan, Public Works Director
Bernadette Sorensen, City Recorder

AGENDA:

The posted agenda for the meeting of June 21, 2010 is attached and by this reference is made a part of the record.

ADDITIONAL INFORMATION PROVIDED TO MEMBERS AFTER PACKET ISSUED:

(Copies attached)

1. Voucher Register for current bills to be reviewed for payment.
2. Community Flood Meeting Notice from TBHEID. (Exhibit A)
3. Drawing of proposed ball field at 9th Street Park. (Exhibit B)
4. Corrected Exhibit A of Schedule of Projected Sewer Rates. (Exhibit C)

MINUTES: Council minutes for March 15, 2010 were included in Council packets. Attorney Putman said that on page 3, 5th paragraph, 2nd sentence needs to have the word “setting” changed to the word “section” and the word lessee needs to be inserted to reada replacement “lessee” should one, etc. Councilor Berry noted two grammatical errors. Corrections were noted. **Councilor Sandusky moved approval of the minutes with corrections noted. Councilor Berry seconded the motion. Motion carried unanimously by Council seated.** Minutes were not available at this time.

PROCLAMATION: None

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PRESENTATIONS:

- **Economic Opportunity Analysis – Bill Reid, Johnson & Reid.** Bill Reid introduced himself and said that his firm was retained by the City to 1) provide updated information for the City's Economic Opportunity Analysis, 2) identify best possible development or redevelopment sites for businesses who want to relocate out of the flood prone areas on 101 N corridor, and 3) work with City in developing vision and guiding principles for potential seasonal re-use of land in the flood plain. Reid referenced his draft Economic Opportunities Analysis, Commercial Relocation Receiving Site Analysis, and Flood-Prone Area Re-Use Study. He identified and explained the 4 receiving sites with Receiving Site #1: Highway 6 & Wilson River Loop Road as the most favorable. Gervasi said that copies of the study would be available to the public for a minimal copy cost. He referenced page 33 of the report that states the concept plans are not intended to represent specific development, designs or recommendations of the sites – just opportunities.

MONTHLY REPORTS:

City Recorder:

- Councilor Sandusky thanked Sorensen for the election information.
- Councilor Berry asked for clarification on the Revenue and Expenditure report. Sorensen explained how the ending balance was achieved.

PUBLIC HEARINGS:

1. CITIZEN HEARINGS - NON-AGENDA ITEMS:

Tilda Jones, Tillamook Bay Habitat and Estuaries Improvement District said that TBHEID is a special district in North Main, the area that is being discussed in the business relocation plan. She read a list of businesses targeted for relocation. Most of those businesses are members of TBHEID. She said most of those businesses question the spending of \$20,500 on a relocation plan when what is really needed is to increase the commercial business district. The plan accelerates the decline of the commercial district. She said she would like to see a plan that focuses on increasing the commercial district. Gervasi responded to Jones' comments. He said this is nothing more than a plan should those businesses want to voluntarily participate. It does not force anyone to relocate. Jones disagreed and said it reads like the City Council and agencies plan to relocate North Main Avenue sometime in the future. Councilor Sandusky said this is only a report and does not put anything into action. It is an advisory document.

Mark McClaskey, Mar Clair Inn, Tillamook said he would like to see all RV Parks and vacation homes in the county have a county Transient Room Tax of 10% and have it go straight to roads. With regards to the water and sewer rate increase he said he does not think it fair that motels pay the same rate as apartment buildings. Apartments have tenants 24/7. He said his business is down 60%. He is renting rooms cheaper than he did 10 years ago.

2. COUNCIL CONCERNS - NON-AGENDA ITEMS:

Councilor Martin commented that the property at 1010 Main Ave. is really getting bad. Grass is almost waist-high. **Gervasi** responded that letters have been sent and we are following our process.

Councilor Berry commented that a similar problem is at the corner of 12th & Evergreen Avenue with tall grass obstructing traffic. **Gervasi** said he would check into where we are at in the process and advise the councilor.

3. TILLAMOOK WASTEWATER TREATMENT PLANT UPGRADE – PUBLIC HEARING

Gervasi explained that the funding came largely from the Department of Environmental Quality (DEQ) loans. There was a \$1M Community Development Block Grant the City received for help with the construction, upgrade and modernization of the plant. We qualified for the grant because of our high number in low-moderate income ratio. The City also received a \$500,000 grant from the water/wastewater program administered by the Oregon Business Department. **Mayor McPheeters** opened the Public Hearing and asked for any comments. There were no public comments. No written comments were received by the City. **Mayor McPheeters** closed the Public Hearing for this item.

4. WATER AND SEWER RATE INCREASE – PUBLIC HEARING

Gervasi said the City is following recommendations from a water rate study done in 2008 by Duane Lee Consulting. He referred to the rate schedule included in packets and went over the recommended increases. **Mayor McPheeters** opened the Public Hearing. There were no public comments. No written comments were received by the City. **Mayor McPheeters** closed the Public Hearing for this item.

PERMITS & LICENSES: NONE

BEAUTIFICATION/PROPERTY IMPROVEMENT NOMINATIONS: NONE

COMMITTEE REPORTS:

- **Personnel Committee:** **Chair Weber** stated that the committee will be setting a meeting tonight.
- **Beautification and Parks Committee – Chair Weber** said the committee met on June 15, 2010. A plan (Exhibit B) for a proposed ball field at 9th Street Park was presented to the committee from Bob Riggert. The plan calls for a baseball field for 7-14 year old girls. He has talked with adjacent property owners and contractors for this project. The committee agreed by consensus to support this concept. It will be brought to the Planning Commission and Council for approval in the near future. **Sullivan** commented that this proposal includes tearing down the old block restroom and build a new restroom. The park will remain City property. There will be no night-time activity and no lighting is proposed. It will be fenced with a lock. He stated that vandalism and delinquency should be greatly reduced. **Weber** said further information would be provided at the July 6th or 19th meeting. **Sullivan** commented that the renaming of the park (Riggert Field or such) should be considered due to the huge gift

Also discussed was the Sue H. Elmore Park (previously known as Marine Park). The committee will be meeting with ODOT representative to discuss the two different plans for Hwy. 101 and Hwy. 6. Councilor Forster will be putting together his vision for the area continuing east along Hoquarton Slough.

It was proposed that the committee meet with the Streetscape Committee of the Urban Renewal Agency due to similar concerns and improvements to the downtown area. Spring Clean-Up on June 12th was less than moderately successful. This event will be re-thought and addressed in the fall. Weather was a big factor. Playground equipment at Goodspeed Park is a continuing agenda item. The next meeting will be July 20th at 9 a.m. at City Hall. The fall celebration and the newly proposed truck-lighting parade will be discussed. Flower baskets are hung for all to enjoy.

- **Finance Committee – N/A.**
- **Public Safety Committee –** In the absence of Chair Forster, **Councilor Sandusky** said the committee has discussed holding regular meetings.
- **Public Works Committee – Chair Berry** stated that the committee has a meeting scheduled for June 29th at City Hall. There are a number of items on the agenda for discussion.
- **Associations Committee – N/A.**

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PENDING BUSINESS:

- **High Tide Espresso Lease** – **Attorney Putman** updated the Council on the new draft lease proposed for Kimber Martensen which is intended to resolve past financial delinquencies over the next six months. New lease provisions which differ from the current month-to-month lease are noted in the draft as the highlighted areas. Current rent remains the same but is made in two installments, first and second Mondays of each month. Additional settlement rent is payable on or before the third and fourth Mondays of each month until fully paid. This arrangement was suggested by Martensen.

Councilor Sandusky moved to approve entering into the lease agreement with Kimber Martensen dba High Tide Espresso as presented. Councilor Weber seconded the motion. Under discussion **Councilor Berry** says he wants to see a legal description on leases to accurately describe the location. **Putman** said that for legal purposes the common address is sufficient to describe the property. It is also a non-exclusive lease that the City could place additional mobile trailers on the property. Taxes are paid on the property leased which is handled through the assessor's office. Counsel has not received direction from the Council whether or not they want full legal description on leases. **Berry** questioned Section 3.4 as to how termination of the lease was determined. **Putman** explained it would be by notice of either party. **There being no further discussion the motion carried unanimously by Council seated.**

By consensus Council agreed in the future to have lease agreements contain either a legal description or lot number.

NEW BUSINESS:

1. **CITY ATTORNEY ANNUAL CONTRACT** – **Attorney Putman** told the Council his contract has not changed with the exception of the dates for the coming year. **Councilor Martin** said if he plans to ask for a raise to let the Council know soon enough to include in the budget. **Councilor Berry moved to accept the contract as presented from John Putman as presented. Councilor Sandusky seconded the motion. Motion carried unanimously by Council seated.**
2. **INTERPRETIVE SERVICES ANNUAL CONTRACT** – **Gervasi** explained that Municipal Court uses the Spanish interpretive services of Raul Ramirez. Council questioned why the purpose of the contract was not explained in the body of the document and instead attached as an exhibit. **Putman** said he did not know. He did not prepare the agreement. **Councilor Weber** asked that, in the future, the purpose of the contract be explained in the body of the document for Council approval. **Councilor Sandusky moved approval of the personal services contract with Raul Ramirez for interpretive services. Councilor Weber seconded the motion. Motion carried unanimously by Council seated.**
3. **COMPUTER SUPPORT & SERVICES CONTRACT** – **Councilor Weber moved approval of the contract for Computer Support & Services Eric Lessor. Councilor Martin seconded the motion. Motion carried unanimously by Council seated.**
4. **CITY/COUNTY WEED CONTROL INTERGOVERNMENTAL AGREEMENT** – **Sullivan** explained that this is an annual agreement between the City and County for labor exchange. County provides weed control services and the City provides street sweeper and operator for bridge maintenance. This arrangement works very well for both agencies. **Councilor Berry moved to approve the agreement. Councilor Sandusky seconded the motion. Motion carried unanimously by Council seated.**
5. **TILLAMOOK COUNTY COMMISSIONERS FEMA APPEAL SUPPORT REQUEST** – **Gervasi** explained that the County is asking the City for financial support of the Technical Appeal of the Preliminary FEMA Flood
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Insurance Rate Maps (FIRM). The estimated cost of the appeal is \$47,000 and several groups are being asked to contribute. The amount of the contribution is not known at this time.

Mayor McPheeters said there will be a meeting with FEMA at 10 a.m. on June 23, 2010 at the library. Consensus of the Council is to be involved in the Technical Appeal with the County.

6. **TILLAMOOK ESTUARIES PARTNERSHIP (TEP) GRANT PROGRAM** – **Gervasi** explained that TEP awarded the City a \$3,000 grant to offset a portion of the cost of Vicki Goodman Consulting on the Flood Mitigation Plan. The whole cost was \$30,500. Project Exodus paid \$27,500. **Gervasi** pointed out a clerical error on the agreement. The last page containing signatures should read – Grantee: City of Tillamook, By: J. Robert McPheeters, Mayor. He has contacted Lisa Phipps who will send a new signature page with the noted corrections.

Councilor Weber moved to approve the receipt of \$3,000 from the Tillamook Estuaries Partnership Local Grant Program award agreement to defray the cost of the Tillamook Flood Mitigation Plan and approve the mayor to sign the amended signature page. **Councilor Martin** seconded the motion. Under discussion **Councilor Berry** asked when the expiration date was. **Gervasi** said that the work has already been completed and the expiration date is June 30, 2010. **Motion carried unanimously by Council seated.**

7. **WHISKEY CREEK ROAD KIOSK REQUEST FOR TRASH RECEPTACLE** – **Gervasi** said that Van Moe had requested of the City the donation of an old trash receptacle they could use at the kiosk. **Councilor Sandusky** moved approval of the request for the donation of a trash receptacle at the kiosk on Whiskey Creek Road. **Councilor Weber** seconded the motion. **Motion carried unanimously by Council seated.**

8. **ECONOMIC DEVELOPMENT COUNCIL BALLOT FOR EXECUTIVE BOARD VACANCIES** – **Mayor McPheeters** explained that the City as a member of the EDC may cast their vote to fill two vacancies on the board. Each member has a maximum of two votes to cast. Each member may cast only one vote per name. **Councilor Weber** moved to have the Council take their two votes and give one to each Michele Bradley and Doug Olson. **Councilor Sandusky** seconded the motion. **Motion carried unanimously by Council seated.**

LEGISLATIVE

1. **ORDINANCE REPEALING ORDINANCE NO. 1221 KNOWN AS THE BUILDING FAÇADE AND SIDEWALK IMPROVEMENT LOAN PROGRAM AND THE ELIMINATION OF FUND #8000, ECONOMIC DEVELOPMENT FUND ESTABLISHED TO SUPPORT ORDINANCE NO. 1221 AND THE DISPOSITION OF BALANCE OF FUND #8000 – SECOND READING**

Councilor Martin moved for the second reading of the ordinance repealing Ordinance No. 1221 by title only. **Councilor Harris** seconded the motion. **Motion carried unanimously by Council seated.** **Sorensen** read the ordinance by title only.

Councilor Martin moved to adopt the ordinance. **Councilor Weber** seconded the motion. **Motion carried unanimously and the ordinance was adopted by the following roll call vote:**

Councilor Martin	Aye	Councilor Sandusky	Aye
Councilor Harris	Aye	Councilor Berry	Aye
Councilor Weber	Aye		

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2. **ORDINANCE AMENDING ORDINANCE NO. 893, SECTIONS 2 AND 14 OF THE TRANSIENT ROOM TAX ORDINANCE FOR THE CITY OF TILLAMOOK; AND TO PROVIDE THE ADMINISTRATIVE PROCEDURE FOR COLLECTION OF SAME – SECOND READING**

Councilor Sandusky moved to have the second reading by title only of the ordinance amending Ordinance No. 893, Sections 2 and 14 of the Transient Room Tax Ordinance for the City of Tillamook; and to provide the administrative procedure for collection of same. Councilor Berry seconded the motion. Motion carried unanimously by Council seated. Sorensen read the ordinance by title only.

Councilor Sandusky moved to adopt the ordinance. Councilor Berry seconded the motion. Motion carried unanimously and the ordinance was adopted by the following roll call vote:

Councilor Martin	Aye	Councilor Sandusky	Aye
Councilor Harris	Aye	Councilor Berry	Aye
Councilor Weber	Aye		

3. SUPPORT ASSISTED HOUSING PROGRAMS -- RESOLUTION

Councilor Weber moved the approval of the resolution supporting assisted housing programs. Councilor Martin seconded the motion. Gervasi explained that periodically the City has to adopt this resolution if the City receives any federal dollars from Community Development Block Grant program. Motion carried unanimously by Council seated.

4 ADJUSTING CITY OF TILLAMOOK SEWER RATES AND AMENDING RESOLUTION NO. 1530 – RESOLUTION

Gervasi told the Council there was a small error in the Exhibit “A” attached to the resolution. Outside City use Step 1 for Multi-family residential reads 440.50 Step 1 as of July 1, 2010 going to Step 2 540.50 as of July 1, 2011. That is incorrect. It should read 440.00 and 540.00 respectively. A new Exhibit “A” entered as Exhibit C for tonight’s meeting reflects the correct rates. Councilor Sandusky clarified for the watching audience that the City is adopting two steps over two years. This will help the City with debt repayment on these loans.

Councilor Sandusky moved approval of the resolution adjusting the City of Tillamook’s sewer rates and amending Resolution No. 1530. Councilor Harris seconded the motion. Under discussion Councilor Berry referenced testimony from a motel owner and asked if the rate for motel owners could be adjusted according to their occupancy rate at some time in the future. **Gervasi** said no, this is a flat rate. There are no provisions addressing the issue. He did say that they could take a look at all the descriptors and see if there was another way. **Councilor Weber** said she would like to know exactly what their (Mar Clair) final water and sewer rate is. Gervasi said it was be easy enough to get and give out to all the Council. **Motion carried unanimously by Council seated.**

5. RESOLUTION REPEALING RESOLUTION NO. 1531 OF THE TILLAMOOK WATER DEPARTMENT AND ESTABLISHING NEW WATER AND MONTHLY METER RATE CHARGE SCHEDULE FOR USERS OF THE CITY WATER SYSTEM INSIDE AND OUTSIDE THE CITY OF TILLAMOOK – RESOLUTION

Councilor Weber moved approval of the resolution repealing Resolution No. 1531 of the Tillamook Water Department and establishing new water and monthly meter rate charge schedule for users of the City water system inside and outside the City of Tillamook. Councilor Sandusky seconded the motion. Motion carried unanimously by Council seated.

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STAFF COMMUNICATION/CORRESPONDENCE/DISCUSSION:

- **Association of Northwest Steelheaders** letter of support for Project Exodus.
- **FEMA Appeal Group Meeting** on Thursday, June 24, 2010 at 10 a.m. at the library.

MAYOR'S REPORT: None

AUTHORIZATION TO PAY BILLS:

The Finance Committee had reviewed the current bills prepared for payment. **Councilor Martin moved to pay the bills approved by the Committee. A second was made by Councilor Weber. Council seated approved the motion unanimously.** Bills were paid in the following total amount. A copy of the voucher register is attached and by this reference is made a part of the record.

GENERAL CHECKING ACCOUNT

Special Batch 06/11/2010	Check #29251 - 29252	\$ 1,099.48
A/P Batch 06/21/2010	Checks #29253 - 29293	\$ 71,091.11

ADJOURNMENT:

There being no further business Mayor McPheeters adjourned the meeting at 9:23 P.M.

APPROVED:

Council President

ATTEST:

City Recorder